

CHAPTER 112: PEDDLERS AND SOLICITORS

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GENERAL PROVISIONS

§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HAWKER, PEDDLER, HAWKING AND PEDDLING. A salesperson or trader who carries or exhibits, in any manner, goods, wares or merchandise for the purpose of selling the same or who actually sells or attempts to sell goods, wares or merchandise or a person who carries or exhibits goods, wares or merchandise for sale or seeks for purchasers or sells or attempts to sell the goods, wares or merchandise by outcry or by attracting notice and attention of persons to the goods or wares or merchandise, as goods, wares or merchandise for sale by an actual exhibition or exposure of them or by placards or labels or by signal or by some animal, device or apparatus or exhibition of skill or otherwise or other thing to attract attention of people and purchasers to

such goods or a person who sells or attempts to sell goods, wares or merchandise by exhibiting a sample thereof to purchasers or prospective purchasers or a person who exhibits, sells or offers for sale any article of food not grown or raised by the person or who mixes, exhibits, sells and offers for sale any goods, wares or merchandise with articles grown or raised by the person.

HAWKING. Selling or offering for sale of goods, wares or merchandise by outcry or by attracting the attention of persons by exposing goods, wares or merchandise in any manner whatsoever.

(Prior Code, § 13-1) (Ord. 635, § 8)

§ 112.02 LICENSES.

(A) *Required; exception.* It is unlawful for any person to engage in or carry on the business of hawking and peddling or to be a hawker or peddler, whether at wholesale or retail, within the city, without first procuring a license from the city's Clerk-Treasurer for that purpose and otherwise complying with the provisions of this chapter; provided that, this section shall not apply to the sale of newspapers or to persons selling exclusively foodstuffs of the person's own raising.

(Prior Code, § 13-2) (Ord. 635, § 10)

(B) *Application; contents; time of filing.* An application for a hawking or peddling license containing the following information shall be furnished the city's Clerk-Treasurer 2 weeks prior to the issuance of the license:

(1) The applicant's name, home address and local address, if any;

(2) A photograph and physical description of the applicant, setting forth the applicant's age, sex, height, weight, complexion, color of hair and eyes and other distinguishing features;

(3) The name and address or principal office of the person, if any, for or through whom or under whose auspices the applicant is authorized to conduct such activity or a statement that the applicant is engaged in such activity solely on his or her own behalf;

(4) A brief description of the type of goods, wares or merchandise to be sold and a statement whether delivery of the goods, wares or merchandise is to be immediate in the future;

(5) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor involving moral turpitude and if so the nature of the offense and the punishment assessed therefor; and

(6) If the applicant canvasses or solicits orders for the wares, goods or merchandise, he or she shall attach to the application a sample copy of the order or receipt form used by him or her in connection with the activity.

(Prior Code, § 13-3) (Ord. 635, § 10)

(C) *Fees.* The license fee required from each person engaging or desiring to engage in hawking and peddling or every person becoming a hawker or peddler within the city shall be as set out in the Fee Schedule of this code.

(Prior Code, § 13-4) (Ord. 635, § 12; Ord. 90-34, § 7)

Peddlers and Solicitors

(D) *Issuance.* The license fee required by division (C) above shall be paid to the city's Clerk-Treasurer by the applicant for a license and the city's Clerk-Treasurer shall issue a license and receipt therefor.

(Prior Code, § 13-5) (Ord. 635, § 13)

(E) *Non-transferable.* No license issued under this chapter shall be transferable, nor shall any person other than the person named in the license be permitted to use the same, nor shall any license protect any person from incurring the penalties prescribed for violation of this chapter except the licensee named in the license.

(Prior Code, § 13-6) (Ord. 635, § 15)

(F) *Revocation.* The city's Clerk-Treasurer may summarily revoke the license of a hawker or peddler on receiving notice of the breach of any provisions of this chapter by the licensee.

(Prior Code, § 13-7) (Ord. 635, § 14)

(G) *Required; orders for future delivery.* It is unlawful for any person to solicit within the city for the sale of any goods, wares or merchandise, by contract or any other manner of provision for future payment or delivery, without first procuring a license from the city's Clerk-Treasurer as provided for in the case of hawkers and peddlers.

(Prior Code, § 13-8) (Ord. 635, § 11)

Penalty, see [§ 10.99](#)

§ 112.03 ENGAGING IN LAWFUL BUSINESS; AUTHORITY TO DESIGNATE AREAS.

The Chief of Police, on direction by the Common Council, shall have the right to designate the places in which the licensee or holder of a certificate may engage in the business of hawking, peddling or soliciting, as provided in this chapter.

(Prior Code, § 13-9) (Ord. 635, § 16)

§ 112.04 CONDUCT GENERALLY.

All provisions of this chapter regulating the conduct of solicitors while engaged in activity within the city, as provided for in this chapter, shall apply equally to hawkers and peddlers.

(Prior Code, § 13-10) (Ord. 635, § 14)

§ 112.05 CHAPTER APPLICABILITY.

(A) *Local organizations, service clubs.* The provisions of this chapter shall not apply to persons soliciting or distributing for local organizations, local service clubs or city or school groups who have first given notice to the city.

(Prior Code, § 13-11) (Ord. 635, § 7)

(B) *Wholesalers, retailers.* The provisions of this chapter shall not apply to any wholesaler or retailer who has a regular or established place of business within the city or to any merchant who has a regular established place of business within the city or a resident legitimately doing business within the city.

(Prior Code, § 13-12) (Ord. 635, § 9)

SALESPERSONS AND SOLICITORS; MAGAZINES, PERIODICALS

§ 112.20 REQUIRED.

It is unlawful for any person to engage in the activity of selling, distributing or otherwise circulating any magazine, periodical, pamphlet, handbill, book or other form of literary material or to canvass or solicit orders for subscriptions therefor within the city without first applying for and securing a registration certificate, as provided in this subchapter.

(Prior Code, § 13-13) (Ord. 635, § 1) Penalty, see [§ 10.99](#)

§ 112.21 APPLICATION.

(A) An applicant for a registration certificate required by [§ 112.20](#) shall execute an application form at the office of the city's Clerk-Treasurer at least 2 weeks prior to engaging in any soliciting in the city. The application form shall contain the following information:

(1) The applicant's name, home address and local address, if any;

(2) A photograph and physical description of the applicant, setting forth the applicant's age, sex, height, weight, complexion, color of hair and eyes and other distinguishing features;

(3) The name and address or principal office of the person, firm, organization or corporation, if any, for or through whom or under whose auspices the applicant is authorized to conduct the activity or a statement that the applicant is engaged in the activity solely on his or her own behalf;

(4) A brief description of the type of literary material to be sold and a statement whether delivery of the literary material is to be immediate or in the future;

(5) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor involving moral turpitude, and if so, the nature of the offense and the punishment assessed therefor; and

(6) If the applicant canvasses or solicits orders or subscriptions for literary material, he or she shall attach to the application a sample copy of the order or receipt form used by him or her in connection with the activity.

(B) The application shall be deemed a continuing application and, if, after the issuance of the registration certificate, the information set forth in the application shall become inaccurate for any reason and the holder of the registration certificate intends to or does continue thereunder, notice of the change and the correct information shall be furnished to the office of the city's Clerk-Treasurer within 24 hours.

(Prior Code, § 13-14) (Ord. 635, § 2)

§ 112.22 IDENTIFICATION INFORMATION REQUIRED.

At the time of executing an application for a registration certificate under this subchapter, the applicant shall also submit, in person, for the inspection of the Chief of Police, written proof of his or her identity, which may be in the form of a credential containing a physical description of the applicant and a specimen of the applicant's signature and fingerprints.

(Prior Code, § 13-15) (Ord. 635, § 2)

§ 112.23 ISSUANCE.

Upon compliance of the applicant with the provisions of [§§ 112.21](#) and [112.22](#), the city's Clerk-Treasurer shall issue to the applicant a registration certificate, which shall be dated and signed by the city's Clerk-Treasurer, upon the applicant personally appearing at the office of the city's Clerk-Treasurer at least 2 weeks after the application has been filed.

(Prior Code, § 13-16) (Ord. 635, § 3)

§ 112.24 FORM; FEES.

(A) The form of the certificate of registration issued under this subchapter shall be determined by the city's Clerk-Treasurer.

(B) Each applicant shall pay to the office of the city's Clerk-Treasurer a fee as set out in the Fee Schedule of this code.

(Prior Code, § 13-17) (Ord. 635, § 3)

§ 112.25 PROVISIONS FOR DENIAL.

The city's Clerk-Treasurer shall not be required to issue a certificate of registration to any person who shall have been convicted of any crime or misdemeanor involving moral turpitude or to any person whose registration certificate has heretofore been revoked under the provisions of [§ 112.29](#), within 1 year.

(Prior Code, § 13-18) (Ord. 635, § 3)

§ 112.26 TERM.

The certificate of registration issued under this subchapter shall be for a period of 3 months from the date of issuance, and shall expire on the date specified in the certificate.

(Prior Code, § 13-19) (Ord. 635, § 4)

§ 112.27 NON-TRANSFERABLE.

All certificates of registration issued pursuant to this subchapter shall be non-transferable and shall entitle only the individual holder thereof to sell, distribute or circulate the type of literary material described in the certificate or to canvass or solicit orders or subscriptions therefor within the city.

(Prior Code, § 13-20) (Ord. 635, § 5)

§ 112.28 POSSESSION; DISPLAY.

The holder shall have his or her certificate of registration in his or her possession at all times and shall exhibit the same at any time upon request by any police officer of the city or by any purchaser or distributee.

(Prior Code, § 13-21) (Ord. 635, § 5)

§ 112.29 REVOCATION.

Any certificate of registration issued under the provisions of this subchapter may be revoked by the city's Clerk-Treasurer, on notice, for any fraud, misrepresentation or false statement contained in the application or for failure to correct any statement in the application as required by [§ 112.21](#) or for the breach of any other provisions of this chapter.

(Prior Code, § 13-22) (Ord. 635, § 6)

§ 112.30 FALSE STATEMENTS; CONDUCT GENERALLY.

The holder of a certificate of registration under this subchapter shall make no false statements or representation of facts in the course of carrying on the activity for which the certificate is granted and shall conduct himself or herself, at all times, in an orderly and lawful manner.

(Prior Code, § 13-23) (Ord. 635, § 5)

§ 112.31 ENTRY UPON PREMISES; PROHIBITED.

The holder of a certificate of registration under this subchapter shall not enter in or upon any house, building or other structure or any land or property, without the prior consent of the owner or occupant thereof.

(Prior Code, § 13-24) (Ord. 635, § 5)

§ 112.32 DUTY TO RENDER RECEIPTS.

The holder of a certificate of registration under this subchapter who takes orders for the future delivery of any type of literary material set forth in [§ 112.20](#) shall give a written receipt to the purchaser, which receipt shall be signed by the holder and shall set forth a brief description of the literary material ordered, the total purchase price thereof and the amount of payment, if any, received by the holder from the purchaser.

(Prior Code, § 13-25) (Ord. 635, § 5)